

UNIVERSITY OF ILLINOIS  
AT URBANA-CHAMPAIGN

College of Law

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Dean Heidi M. Hurd  
*David C. Baum Professor of Law and Professor of Philosophy*  
*Co-Director of the Program in Law and Philosophy*

December 6, 2002

Professor Jay Kesan  
College of Law  
Room 134

Dear Jay:

This letter is to memorialize the conversation that Associate Dean Leipold and I had with you on December 4, 2002. As we told you, [REDACTED] approached us with allegations of improper conduct on your part. She was not prepared, at the time of our conversation with her, to file a complaint under the University's sexual harassment policy. Instead, her hope was that a conversation by us with you would bring the alleged behavior to an end. Because her allegations, if true, would constitute a serious breach of appropriate behavior by a faculty member, we asked you to meet and speak with us about the matter.

We began the meeting by describing the alleged comments and conduct on your part that [REDACTED] found disturbing. You denied having engaged in some of the alleged conduct and making some of the claimed statements, and you specifically denied having had any improper motive with respect to the incidents/comments that are not in dispute. We noted that, because no complaint had been filed, our conversation was not designed to find facts or resolve conflicts in memory or perception. We emphasized, however, that regardless of whether the allegations were true or false, the mere perception of impropriety could be extremely harmful to you as well as to future students.

For the protection of both you and [REDACTED] we then put in place the following safeguards: (a) we agreed that you would not have any further conversation with her, even if she tried to initiate the contact (although nothing should prevent an email exchange specifically about the [REDACTED] exam if she has questions); (b) we agreed that you would not assign [REDACTED] a grade on her [REDACTED] exam or in the [REDACTED] course, so that there could be no occasion for her to challenge the grade at a later time; (c) we invited you to write a general letter of recommendation about [REDACTED] and put it on file with the Career Services Office, so that if a potential employer calls you, you can simply instruct that individual to contact Career Services for the letter. As we agreed, it would be appropriate for you not to "let her name cross your lips" to any potential employer, regardless of the context.

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We also informed you that we had heard other rumors regarding your behavior – rumors that appeared to be unrelated to [REDACTED] allegations. We brought them to your attention so that you would know the extent to which your reputation may be at risk, and to emphasize the importance of engaging in future conduct that is above any possible reproach.

Against this background, we then outlined a series of behaviors that we think it important for you to avoid in order not to generate even the perception of impropriety in the minds of those who might now view your conduct through the lens of rumor. Let me list these here so that there is no mistake about our expectations concerning your future conduct. When speaking with a student you should make no mention of your appearance or that of the student (including mention of clothing, fitness, accessories, attractiveness, etc.) . You should not mention or discuss with any student your personal life, and you should not refer to, or invite discussion of, the student's personal life. You should not socialize with individual students, and you should ensure that when you socialize with groups of students you do so in appropriately public venues. You should avoid the use of all emotionally-laden language when talking with students. You should not make appointments to discuss class, journal, academic, or career matters with students before or after normal school hours (9:00 am - 5:00 pm), and you should ensure that your discussions are in open settings. You should never invite students to accompany you to private or secluded places, or to accompany you to out-of-town conferences or events. As a general matter, you also should not offer to help students in ways that would require you to extend yourself beyond the limits of your role of their professor. And finally, you should avoid all appearances of private favor. That is, you should not give students presents, pay them compliments, or act in any other manner that might prompt them to believe that if they pay you special attention, they might receive unique academic or professional advantages.

It is my hope that if you adhere to these proscriptions, no student, including [REDACTED] will ever again interpret any of your behavior in ways that lead her to feel that she has been treated improperly. I need not tell you how vital it is to your standing in this small community and to the integrity of your nationally-respected career that this goal be attained.

Sincerely,

[REDACTED]  
Heidi M. Hurd